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Separate paging is given to this Part in order that it may be filed
as a separate compilation

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 24th November, 1964 :—

Issue No.	No. and Date	Issued by	Subject
178.	G.S.R. 1657, dated 21st November, 1964.	Ministry of Food and Agriculture.	Increasing the percentage of rice required to be sold to the Purchase Officer by the licensed miller.
179.	G.S.R. 1658, dated 23rd November, 1964.	Do.	The Uttar Pradesh Paddy and Rice (Restriction on Movement) Second Amendment Order, 1964.
180.	G.S.R. 1694, dated 24th November, 1964.	Do.	Rescinding the Rice (Madhya Pradesh) Price Control Order, 1963.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (i)

General Statutory Rules (including orders, bye-laws etc. of a general character) issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF FINANCE

New Delhi, the 18th November 1964

G.S.R. 1700.—The following is published for general information:—

REGULATIONS OF THE COMPANIES TRIBUNAL

In exercise of the power conferred by sub-section (5) of Section 10-B of the Companies Act, 1956, inserted by the Companies (Amendment) Act 53 of 1963

(1871)

and subject to the provisions of the Companies Act, 1956 and the Rules made thereunder, wherever applicable, the Tribunal hereby makes the following Regulations:—

CHAPTER I

(1) **Title and commencement.**—These Regulations shall be cited as the “Companies Tribunal Regulations, 1964” and shall be deemed to have come into force on the 1st day of July, 1964.

(2) **Interpretation etc.**—(a) In these Regulations unless the context or subject matter otherwise requires:

(i) The ‘Act’ means the Companies Act, 1956 as amended from time to time.

(ii) ‘Bench’ means a Bench of the Tribunal constituted by the Chairman from among the members thereof and shall consist of two members.

(iii) ‘Chairman’ means the Chairman of the Companies Tribunal.

(iv) ‘Code’ means the Code of Civil Procedure, 1908.

(v) ‘Company Law Board’ means the Board of Company Law Administration constituted under Section 10-E of the Companies Act, 1956.

(vi) ‘Filed’ means filed in the Registry.

(vii) ‘Member’ means a member of the Companies Tribunal.

(viii) ‘Party’ and all words descriptive of parties to proceedings before the Tribunal mean the petitioner, the appellant, the respondent, the applicant and non-applicant and includes in respect of all acts proper to be done by an Advocate, the Advocate and Attorney, and the recognised agent of parties authorised either by vakalatname or by power of attorney to act on behalf of the party.

Explanation.—A Chartered Accountant, if duly authorised by a power of attorney, as aforesaid, may also be allowed to plead by leave of the Tribunal in any matter only to explain accounts.

(ix) ‘Prescribed’ means prescribed by the Companies Act, Rules and these Regulations.

(x) ‘Registrar’ means the Registrar of the Companies Tribunal, and includes any other officer of the Tribunal authorised by the Chairman to perform the functions and duties of the Registrar.

(xi) ‘Registry’ means the office of the Tribunal.

(xii) ‘Rules’ means the Companies (Court) Rules, 1959 framed by the Supreme Court under section 643 (1) and (2) of the Companies Act, 1956. In so far as they are applicable, including the prescribed forms.

(xiii) ‘Sealed’ means sealed with the seal of the Tribunal.

(xiv) ‘Section’ means section of the Act.

(xv) ‘Taxing Officer’ means the Registrar of the Tribunal or such other officer, whose duty it is to tax costs of proceedings before the Tribunal, authorised by the Chairman in that behalf.

(xvi) ‘Tribunal’ means the Tribunal constituted under Section 10-A of the Companies Act, 1956, as amended by Act 53 of 1963, called the Companies Tribunal, and includes, where the context so requires, a Bench exercising and discharging the powers and functions of the Tribunal.

(b) Words or expressions occurring in these Regulations and not defined in sub-rule (a) shall bear the same meaning as in the Act.

(3) The General Clauses Act, 1897, applies for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(4) Where by these Regulations or by any order of the Tribunal any step is required to be taken in connection with any proceedings before the Tribunal, that step shall, unless the context otherwise requires, be taken in the Registry.

CHAPTER II—Office Hours and Sittings

(1) The office of the Tribunal shall, subject to any special order of the Chairman, be open daily, except on Second Saturday of each month, Sundays and holidays notified by the Central Government, from 10-00 a.m. to 5-30 p.m., but no work, unless of an urgent nature, shall be entertained after 4-30 p.m.

(2) The Tribunal shall not ordinarily sit on Saturdays except for urgent cases. On working days the Tribunal shall sit from 10-30 a.m. to 1-00 p.m. and from 2-00 p.m. to 4-30 p.m. and on Saturdays except Second Saturday of each month when the Tribunal sits, from 10-30 a.m. to 1-30 p.m.

(3) The Tribunal shall hold its sittings at its headquarters in New Delhi or at such other place or places as the Chairman may direct from time to time.

(4) The Chairman may, from time to time, direct the distribution of the business of the Tribunal among its Benches and specify the cases or classes of cases which shall be considered by each Bench.

CHAPTER III—Officers of the Tribunal

(1) The Registrar shall have the custody of the seal and the records of the Tribunal and shall exercise such other functions as are assigned to him by these Regulations.

(2) The Chairman of the Tribunal may assign and the Registrar may, with the approval of the Chairman, delegate to any other officer of the Tribunal any functions required by these Regulations to be exercised by the Registrar.

(3) In the absence of the Registrar, such other officer of the Tribunal, as may be nominated by the Chairman, may exercise all the functions of the Registrar.

(4) In addition to the duties and functions conferred by other Regulations the Registrar shall have the following further duties and functions subject to any general or special order of the Chairman:—

(i) To require any petition or other proceedings presented to the Tribunal to be amended in accordance with the procedure of the Tribunal or to be re-presented after such requisition as the Registrar is empowered to make in relation thereto has been complied with;

(ii) to fix, subject to any general or special direction given by the Chairman or the Tribunal, the date of hearing of petitions or other proceedings and issue notices thereof;

(iii) to make an order for change of Advocate or Attorney with the consent of the previous Advocate or Attorney;

(iv) to direct any formal amendment or verbal correction of the record;

(v) to grant leave to search the records of the Tribunal and order the grant of copies of documents to the parties to the proceedings;

(vi) to allow from time to time any period or periods not exceeding two weeks in the aggregate for furnishing information, complying with requisitions or for doing any other act necessary to make a petition or other proceeding complete;

(vii) to grant leave to a third party duly authorised by the petitioner to make and file the affidavit.

(5) Any order of the Registrar will be subject to being revised or modified by either the Chairman or Member provided it is sought to be revised by the filing of a note seeking such revision or modification and the same is filed within a week of the date of the order in the Registry.

CHAPTER IV—*Language, Translation and Form*

- (1) The language of the Tribunal shall be English.
- (2) Every petition, application, appeal or other proceeding shall be in the language of the Tribunal and except in so far as the Tribunal otherwise order no document in any language other than the language of the Tribunal shall be accepted for use in any proceeding unless translated into the language of the Tribunal in accordance with Regulations (3) and (4) herein and the procedure of the Tribunal.
- (3) Every document required to be translated shall be translated by a Translator appointed or approved by the Tribunal provided that the translation agreed to by both parties or certified to be a true translation by the Translator appointed or approved by the Tribunal may be accepted.
- (4) Every Translator shall, before acting, make an oath or affirmation that he will translate correctly and accurately all documents given to him for translation.
- (5) Every proceeding shall be dated and shall be intitled in the matter of the Companies Act, 1956, and in the matter of the Company to which it relates. The contents shall be divided into separate paragraphs which shall be numbered serially.
- (6) The general heading in all proceedings before the Tribunal and in all advertisements and notices shall be in Form No. 1.
- (7) All applications, petitions, appeals and other documents shall be presented in person by the applicant, petitioner or appellant or by an Advocate or Attorney duly authorized by him for the purpose or by any other duly authorized agent of the party at the headquarters at New Delhi or at such other Filing Centre or Centres as may be notified in the Gazette of India;

Provided that the filing of the petitions under Section 155 of the Act may be accepted through post.

CHAPTER V—*Hearing of Matters*

- (1) The following applications shall be in the form of petitions:—
 - (a) Application under section 155 of the Act.
 - (b) Application under section 203 of the Act.
 - (c) Application under section 397 of the Act.
 - (d) Application under section 398 of the Act.
 - (e) Application under section 404(1) of the Act.
 - (f) Application under section 407(1)(b) of the Act.
- (2) The proceedings of the Tribunal shall be open to the public unless the Tribunal otherwise directs.
- (3) Orders in the following matters may be passed by the Chairman or Member sitting singly:
 1. Motions seeking revision or modification of an order of the Registrar.
 2. Motions for fixing the date of hearing.
 3. Motions for directions as to the advertisement of the petition.
 4. Motions for directions as to be mode of service.
 5. Motions for extension of time.
 6. Motions for adjournment.
 7. Applications for copies by a non-party.

CHAPTER VI—Registers

There shall be kept in the office of the Tribunal the following registers relating to procedure under the Act and the Regulations:—

(1) *Company Petitions Register* in which shall be entered and numbered serially all the petitions filed under the Act with particulars as to:—

1. Serial number,
2. Date of presentation,
3. Name of Company,
4. Names of parties and their Advocates/Attorneys,
5. Provision of law under which the petition is made,
6. Nature of relief sought,
7. Date and nature of order made and communication thereof,
8. Date of filing of appeal, if any,
9. Date of disposal of appeal, and
10. Result of judgment in appeal.

(2) *Company Applications Register* in which shall be entered and numbered serially all applications other than petitions with particulars as to:—

1. Serial Number,
2. Date of presentation,
3. Name of Company,
4. Number of main proceeding, if any, to which the application relates,
5. Name of parties and their Advocates/Attorneys,
6. Provision of law, if any, to which the application relates,
7. Nature of relief sought,
8. Date and nature of order made and communication thereof,
9. Date of filing of appeal, if any,
10. Date of disposal of appeal, and
11. Result of judgment in appeal.

(3) *Register of cases under Section 388B of the Act* in which shall be entered and numbered serially all the cases referred to the Tribunal by the Central Government, with particulars as to:

1. Serial Number,
2. Date of presentation,
3. Name of Company,
4. Name(s) of the person(s) against whom case stated,
5. Name(s) of parties and their Advocates/Attorneys,
6. Date(s) of hearing,
7. Date when findings pronounced,
8. Date of communication of findings to Central Government and the parties,
9. Date of filing of appeal, if any,

10. Date of disposal of appeal, if any, and

11. Result of judgment in appeal.

(4) *Register of Appeals filed under Section 635B of the Act* in which shall be entered serially all the appeals, with particulars as to:

1. Serial Number,
2. Date of presentation of appeal,
3. Date of receipt of the notice of objections raised by the Company Law Board,
4. Name of Company,
5. Names of parties and their Advocates/Attorneys,
6. Name of the respondent with his Advocate/Attorney,
7. Date of notice of lodgment of appeal,
8. Date of service of lodgment of appeal,
9. Date(s) of hearing,
10. Date of delivery of judgment,
11. Date when formal order drawn up and communicated to the parties.

(5) *Company documents Register* in which shall be entered under a separate heading for each company any valuable securities such as negotiable instruments, documents of title and the like that may be filed in proceedings before the Tribunal.

(6) *Miscellaneous Register.*

Nothing in this Chapter shall affect the discretion of the Tribunal to direct the keeping of any other Register that may be deemed necessary.

CHAPTER VII—*Proceedings Generally*

(1) All applications, petitions, appeals, affidavits and other proceedings presented to the Tribunal shall be written, typewritten, cyclostyled or printed neatly and legibly on substantial paper of foolscap size, and when filed, folded in docket size or bound in paper book form, and separate sheets, duly numbered serially, and stitched together. Numbers and dates shall be expressed in figures and where dates are not according to the English calendar, the corresponding English dates shall also be given.

(2) Every petition or application or appeal shall state clearly the provision of law under which it has been filed.

(3) Every petition, or application or appeal shall bear its distinctive serial number; an interlocutory application shall bear, besides its own serial number, the serial number of the main proceeding to which it relates. Every order made, process issued or document filed, shall bear the serial number of the proceeding to which it relates.

(4) Every petition or application shall be verified by an affidavit made by the petitioner or by one of the petitioners, where there are more than one, and in case the petition is presented by a body corporate, by a director, secretary or other principal officer thereof. Such affidavit shall be filed along with the petition and shall be in Form No. 2:

Provided that for sufficient reason, leave may be granted to any other person duly authorised by the petitioner or applicant, to make and file the affidavit.

(5) No annexure to the petition, application or appeal shall be accepted unless such annexures are certified copies of documents, provided that uncertified copies of documents may be accepted as annexures if such copies are affirmed to be true copies upon affidavit.

(6) The registrar may decline to accept any petition, application or appeal or document which does not conform to the Regulations of the Tribunal or is otherwise defective or which is presented otherwise than in accordance with the Regulations of the Tribunal.

(7) As soon as a petition, application or appeal and all necessary documents relating thereto are lodged and the procedural objections, if any, removed, it shall be put up before the Tribunal *ex parte* for admission, without requiring the attendance of the party;

Provided that the Tribunal shall not pass an order refusing admission without giving the party an opportunity to be heard.

(8) The procedure regarding the service of notice will be as laid down in Chapter VIII.

(9) At the hearing of the petition, application or appeal, the Tribunal may either dispose of the same finally, or give such orders as may be deemed necessary for the filing of counter affidavits and reply affidavits, if any, and for service of notice on any person who, in the opinion of the Tribunal, has been omitted to be served or has not been properly served with the notice thereof and may adjourn it to enable the parties to comply with the further directions given by the Tribunal. Except as otherwise ordered by the Tribunal, it shall not be necessary to give notice of the adjourned hearing.

(10) Every person who intends to appear at the hearing of any matter, whether to support or oppose the same, shall serve on the petitioner, applicant or appellant or his advocate/attorney, notice (*vide* Form No. 3) of his intention at the address given in the petition, application or appeal. The notice shall contain also the address of such person, and be signed by the party, and save as otherwise provided by these Regulations, shall be served or if sent by post shall be posted in such time as to reach the addressee not later than two days previous to the day of the hearing and where such person intends to oppose the petition, application or appeal, the grounds of his opposition, if any, or a copy of his affidavit, if any, shall be furnished along with the notice. Any person who has failed to comply with this Rule shall not, except with the leave of the Tribunal, which must be obtained before the hearing, be allowed to appear at the hearing.

(11) The petitioner or his Advocate/Attorney shall prepare a list of the names and addresses of the persons who have given notice of their intention to appear at the hearing of the petition, application or appeal and hand over the said list to the Registrar a day before the date fixed for the hearing. Such lists shall be in Form No. 4.

(12) Where a petitioner, applicant or appellant unduly delays bringing a petition, application or appeal to a hearing, the Registrar shall call upon him to explain the delay and if no explanation is offered or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, after notifying all parties, who have entered appearance, place the matter before the Tribunal for orders on default and for such directions, including a direction of dismissal for default, as the Tribunal may think fit to give thereon.

(13) A petitioner, applicant or appellant, who desires to withdraw his petition, application or appeal, shall give notice, in writing, to that effect to the Registrar, who shall place the matter for withdrawal before the Tribunal for orders after notifying all the parties who have entered appearance.

(14) Except in the case of an order of adjournment made in the presence of a party, every decision, finding or order passed by the Tribunal shall be communicated to the parties concerned within a reasonable time.

CHAPTER VIII—Service of Notice

(1) Every notice of any proceeding shall be served on the respondent or opponent, if any, named in the petition, application or memorandum of appeal and on such other persons as the Act or these Regulations may require or as the Tribunal may direct. Unless otherwise ordered, a copy of the petition, application or memorandum of appeal shall be served along with the notice of the petition.

(2) Notice of every proceeding required to be served upon any person shall be in Form No. 5, and shall, unless otherwise ordered by the Tribunal or provided

by these Regulations, be served not less than fourteen clear days before the date of hearing.

(3) Where a petition or application is presented against a Company, it shall be accompanied by a notice of the petition or application in the prescribed form together with a copy thereof for service on the company and an envelope addressed to the company at its registered office or its principal place of business and sufficiently stamped for being sent by registered post for acknowledgment. The Registrar shall, immediately on the admission of the petition or application, send the notice together with the copy of the petition or application to the company by registered post.

(4) Every petition and, save as otherwise provided by these Regulations or by an order of the Tribunal, every application, shall, unless presented by the company, be served on the company at its registered office, or, if there be no registered office, at its principal or last known principal place of business, by leaving a copy thereof with an officer or employee of the company, and in case no such person is available, in such manner, as the Tribunal may direct, or by sending a copy thereof by pre-paid registered post addressed to the company at its registered office, or if there is no registered office, at its principal or last known principal place of business, or to such person and at such address as the Tribunal may direct.

Where the company is being wound up, the petition or application shall also be served on the liquidator, if any, appointed for the purpose of winding-up the affairs of the company.

(5) Save as otherwise provided by these Regulations and subject to any directions of the Tribunal, the petitioner, applicant, appellant or any other person having the conduct of proceedings before the Tribunal, shall be responsible for the service of all notices, summons and other processes and for the advertisement and publication of notices, required to be affected by these Regulations or by an order of the Tribunal.

(6) (a) An affidavit or affidavits stating whether the petition has been advertised as directed and/or whether the notices, if any, have been duly served upon the persons required to be served shall be filed not less than three days before the date fixed for hearing. Such proof of the advertisement or of the service, as may be available, shall be filed along with the affidavit.

(b) An affidavit of service on a company or its liquidator shall be in Form No. 6 or 7 as the case may be.

(7) Save as otherwise provided by these Regulations or by an order of the Tribunal, all notices, summons and other documents required to be served on any person, may be served either personally by delivering a copy thereof to such person, or upon his Advocate/Attorney where he appears by Advocate/or Attorney, except where personal service is required, by pre-paid registered post for acknowledgment due addressed to the last known address of such person. In the case of service by registered post where no acknowledgment signed by the addressee or his duly authorised agent is received, order of the Tribunal shall be obtained as to the sufficiency of service or as to the further steps to be taken for service as the Tribunal may direct.

(8) Where notice of any petition, application, summons or other proceedings has to be given to the Central Government under these Regulations, it shall be addressed to and served on the Board of Company Law Administration, New Delhi, or such officer as the Central Government may authorise to receive on its behalf.

(9) Where any person has to be served at an address outside India, the notice or other process to be served on him shall, subject to the orders of the Tribunal, be sent to such address by pre-paid air mail registered post for acknowledgment due.

(10) In default of compliance with the requirements of these Regulations or the directions of the Tribunal as regards the advertisement and service of the petition, application or appeal, it shall on the date fixed for hearing be posted for orders of the Tribunal and the Tribunal may either dismiss the said petition, application or appeal or give such directions as it deems fit.

(11) No service under these Regulations shall be deemed invalid by reason of any defect in the name or description of a person in the petition, application,

appeal, summons, notice or other proceeding, provided that the Tribunal is satisfied that such service is in other respects sufficient; and no proceedings under the Act or these Regulations shall be invalidated by reason of any formal defect or irregularity, unless the Bench before whom the objection is taken is of the opinion that substantial injustice has been caused by such defect or irregularity and that the injustice can only be remedied by a fresh order of the Tribunal.

CHAPTER IX—*Petition under Section 155 of the Act*

(1) Where the Tribunal makes an order under section 155 of the Act for rectifying the register of members or debenture holders, the order shall direct that in the case of a company required by the Act to file a list of its members and debenture holders with the Registrar of Companies, the company do within fourteen days from the date of the making of the order deliver to the Registrar of Companies a certified copy of the order of the Tribunal.

Explanation:

In computing the period of fourteen days prescribed under this Regulation the time taken in drawing up the order of the Tribunal and in obtaining a copy of that order shall be excluded.

CHAPTER X—*Petition under Section 203 of the Act*

(1) A petition under section 203 of the Act in so far as it relates to the granting of leave under that section shall be accompanied by a certified copy of the order of the Court in respect of which leave is sought.

(2) As soon as the petition is admitted, and if the application for leave under section 203 is made by a person against whom an order has been made on the application of the Official Liquidator or Liquidator, the Registrar shall cause notice of the said petition to be served on the company and/or the Official Liquidator or Liquidator who may appear and call the attention of the Tribunal to any matters which seem to him to be relevant and may himself give evidence or call witnesses.

(3) The notice to the Official Liquidator or Liquidator under the aforesaid Regulation shall be served on the company and/or Official Liquidator or Liquidator not less than fourteen clear days before the date of the hearing of the petition.

(4) Where the Official Liquidator or the Liquidator does not propose to give evidence or call witnesses, but proposes to call the attention of the Tribunal to any matter which seems to him to be relevant, he shall make his submissions in the form of an affidavit and shall serve a copy thereof on the opposite side not less than four days before the date fixed for the hearing of the petition. The petitioner may file his rejoinder affidavit not less than two days preceding the day of hearing.

CHAPTER XI—*Application under Section 240 of the Act*

(1) The certificate of the Inspector under sub-section (3) of section 240 of the Act shall be accompanied by an application supported by an affidavit stating the name and address of the Respondent and the facts and circumstances in which the latter has failed or refused to comply with the Inspector's requisitions.

(2) The Respondent may file an affidavit in rejoinder containing his explanation, if any, within such time as the Tribunal may direct.

(3) Where an Inspector applies to the Tribunal under sub-section (4) of Section 240 of the Act, the application shall state briefly the grounds in support thereof and the name and complete address of any person whom he wants to be examined.

CHAPTER XII—*Case under Chapter IV-A of the Act*

(1) Every case to be stated by the Central Government under Section 388-B of the Companies Act, 1956, shall be in the form of an application which shall state concisely and clearly all the necessary circumstances and materials on which the Central Government relies in support of its case against any managerial personnel. The application shall be signed and verified in the manner laid down in the Code of Civil Procedure, 1908, for the signature and verification of a plaintiff in a suit by the Central Government.

(2) The Tribunal may, either before or after admission of the application, call upon the Central Government to furnish such further particulars as the Tribunal deems necessary to enable it to inquire into the case and record its findings.

(3) Every such application shall, on admission, be served on the Respondent.

(4) The Respondent may file his written statement within two weeks of the date of service of the notice or within such extended period as may, for sufficient cause shown, be granted.

(5) An application for altering or amending an application under section 388-B shall state briefly the reasons which necessitate the alteration or amendment sought. No such application shall be heard without notice to the Respondent who has been served and entered appearance.

(6) The previous concurrence of the Tribunal to be obtained by the Central Government under sub-section (3) of section 388-E shall be sought on an application filed in that behalf.

CHAPTER XIII.—*Petition under Section 397 or 398 of the Act*

(1) Where a petition is presented under section 397 or 398 on behalf of any members of a company entitled to apply under section 399(1), by any one or more of them, the letter of consent signed by the rest of the members so entitled authorising the petitioner or petitioners to present the petition on their behalf, shall be annexed to the petition, and the names and addresses of all the members on whose behalf the petition is presented shall be set out in a schedule to the petition, and where the company has a share capital, the petition shall state whether the petitioners have paid all calls and other sums due on their respective shares. Where the petition is presented by any member or members authorized by the Central Government under section 399(4), the order of the Central Government authorising such member or members to present the petition shall be similarly annexed to the petition. A petition under Section 397 shall be in Form No. 8, and a petition under section 398 shall be in Form No. 9.

(2) A petition under section 397 or 398 shall not be withdrawn without the leave of the Tribunal, and where the petition has been presented by a member or members authorised by the Central Government under section 399(4), notice of the application for leave to withdraw shall be given to the Central Government.

(3) Save where a petition is presented by or on behalf of the Central Government under section 401, notice shall be given to the Central Government of every petition under section 397 or 398, and a copy of the petition shall be served on the Central Government along with the notice of the date of hearing, not less than fourteen clear days before the date fixed for the hearing of the petition.

(4) Where an order under section 397 or 398 involves a reduction of capital or alteration of the memorandum of association, the provisions of the Act and the Rules relating to such matters shall apply as the Tribunal may direct.

(5) An application under section 407 (1)(b) for leave to any of the persons mentioned therein, to be appointed, or to act, as the managing or other director, managing agent, secretaries and treasurers or manager of the company, shall state whether notice of the intention to apply for such leave has been given to the Central Government and shall be accompanied by a copy of such notice. Notice of the date of hearing of the petition together with a copy of the petition shall be served on the Central Government not less than fourteen clear days before the date fixed for the hearing.

CHAPTER XIV—*Appeal under Sub-section (3) of Section 635-B*

(1) The appellant shall lodge his memorandum of appeal with a fee of Rupees Fifty within a period of thirty days of the receipt by him of the notice of objection from the Company Law Board. It shall be accompanied by a true copy of the said notice and shall contain concisely and under distinct heads the grounds in support of the appeal.

(2) The appellant shall, along with the memorandum of appeal, lodge sufficient number of copies of the same for use by the Tribunal and for service on the respondent.

(3) If the appeal is admitted, the Registrar shall with convenient speed, cause notice thereof to be served on the respondent together with the copy of the memorandum of appeal. The date of lodgment of the copy of the memorandum of appeal shall be endorsed on the copy served on the respondent. Every notice together with duplicates of the same for service thereof shall be prepared by the appellant or his Advocate or Attorney and issued from the office of the Registrar.

(4) Where an appellant who has lodged his appeal desires to withdraw his appeal, he shall present an application to that effect to the Tribunal. The Tribunal shall pass such orders as it deems fit after hearing the respondent who has entered appearance.

(5) If an appellant fails to take any steps in the appeal within the time fixed for the same by these Regulations or, if no time is specified, it appears to the Registrar that he is not prosecuting his appeal with due diligence, the Registrar shall call upon him to explain his default and, if no explanation, or no explanation which appears to the Registrar to be sufficient, is offered, he may issue a summons calling upon him to show cause to the Tribunal why the appeal should not be dismissed for want of prosecution.

(6) The Registrar shall send a copy of the summons mentioned in the last specified Regulation to every respondent who has entered appearance.

(7) The Tribunal may, after hearing the parties, dismiss the appeal for non-prosecution or give such other directions thereon as the justice of the case may require.

(8) An appellant whose appeal has been dismissed for non-prosecution may, within fifteen days of the order, present an application praying that the appeal may be restored and the Tribunal may, after giving notice of such application to the respondent who had entered appearance in the appeal, restore the appeal if good and sufficient cause is shown putting the appellant on terms, or pass such other order as the circumstances of the case and the ends of justice may require.

(9) The respondent shall file his rejoinder to the grounds of appeal within three weeks of the service on him of the memorandum of appeal, together with sufficient number of copies for the use of the Tribunal, and also serve a copy thereof on the appellant.

(10) After the respondent has filed his rejoinder in accordance with these Regulations, the appeal shall be set down for hearing and the parties shall be notified with the date of the hearing of the appeal.

(11) No party shall, without the leave of the Tribunal previously obtained, rely at the hearing on any grounds not specified in the memorandum of appeal or in the rejoinder filed by the respondent.

CHAPTER XV.—*Computation of Time*

(1) (a) Where any particular number of days not expressed to be clear days is prescribed, the same shall be reckoned exclusively of the first day and inclusively of the last day, unless the last day shall happen to fall on a day on which offices of the Tribunal are closed, in which case the time shall be reckoned exclusively of that day also and of any succeeding day or days on which the offices of the Tribunal continue to be closed.

(b) Where any particular number of days expressed to be clear days, is prescribed, the same shall be reckoned exclusively of both the first and the last day.

(2) The Tribunal may, in any case in which it shall deem fit, extend the time appointed by these Regulations or fixed by an order of the Tribunal or a Member thereof for doing any act or taking any proceeding, upon such terms, if any, as the justice of the case may require, and any such enlargement may be ordered although the application for the same is not made until after the expiration of the time appointed or allowed.

CHAPTER XVI.—*Affidavits and Seal*

(1) (a) Every affidavit shall be duly stamped under the Indian Stamp Act and drawn up in the first person and shall state the full name, age, occupation and the place of abode of the deponent and shall be signed by him and sworn to in the manner prescribed by the Code of Civil Procedure and by the Court or authority before which it is sworn, provided that the provisions of Section 558 (1)(b) of the Act will apply to affidavits sworn outside India.

(b) Every document annexed to an affidavit shall be marked with the number of the proceeding to which it relates, and shall be initialled and dated by the authority before whom the affidavit is sworn.

(c) Except with the leave of the Tribunal, no affidavit having an interlineation, alteration or erasure, shall be filed before the Tribunal unless such interlineation or alteration is initialled by the authority before whom it is sworn, or, in the case of an erasure, the words and figures written on the erasure are re-written in the margin and initialled by such authority.

(2) All petitions, applications, memoranda of appeal and affidavits, upon being filed, and all orders, summonses, warrants or processes of any kind including notices issued by the Tribunal and certified copies of any proceedings, shall be sealed.

CHAPTER XVII.—*Drawing up of Formal Orders*

(1) The Tribunal, after a petition, application or appeal has been heard, shall pronounce its judgment containing its decision, finding or order either at once or at some future date, of which due notice shall be given to the parties and the formal order where necessary shall be drawn up in accordance therewith. A member of the Tribunal may read a judgment signed by, and on behalf of, another Member in his absence.

(2) A judgment pronounced by the Tribunal or by a majority of the members of the Tribunal or by a dissenting Member shall not, after it is signed, be altered or added to, save for the purpose of correcting a clerical or arithmetical mistake or an error arising from any accidental slip or omission.

(3) Certified copies of the judgment, when signed, shall be furnished to the parties on requisitions made for the purpose and on payment of prescribed charges.

(4) Every order made by the Tribunal shall, where necessary, be drawn up in the Registry and be signed by the Registrar and sealed with the seal of the Tribunal and shall bear the same date as the judgment or order in the case.

(5) Where a direction is given that no formal order need be drawn up, the note or memorandum of the order signed or initialled by the Members of the Bench making the order shall be sufficient evidence of the order having been made.

(6) The order passed by the Tribunal in every petition, application or appeal, including any order for costs where passed, shall be transmitted, where necessary under the Act, to the Board of Company Law Administration, New Delhi.

(7) Where the Registrar considers it necessary that the draft of any formal order should be settled in the presence of the parties or where the parties require it to be so settled in their presence, the Registrar shall, by notice in writing, appoint a time for settling the same and the parties shall attend the appointment and produce the briefs and such other documents as may be necessary to enable the draft to be settled.

(8) Where any party is dissatisfied with the formal order as settled by the Registrar, the Registrar shall not proceed to complete the formal order without allowing the party such time as he deems proper to apply by motion to the Bench which passed the order.

CHAPTER XVIII

COSTS

(1) Subject to the provisions of the Companies Act, the costs of and incidental to all proceedings shall be in the discretion of the Tribunal.

CHAPTER XIX

SEARCH

(1) Subject to the provisions of the Act and the rules made thereunder a party to any proceedings who has appeared before the Tribunal shall be allowed to search or get copies of all documents or records in the case on payment of the charges set out in the table of charges (Appendix II).

CHAPTER XX

MISCELLANEOUS

(1) The provisions of the Code of Civil Procedure, 1908, *inter alia* as indicated below, including the forms appended thereto, shall be applicable, so far as may be, to all proceedings before the Tribunal in respect of the following matters:—

- (i) O.XI in respect of discovery and inspection of documents or other material objects producible as evidence;
- (ii) Sections 28 and 32 and O.XVI in respect of enforcing the attendance of witnesses and requiring the deposit of their expenses;
- (iii) O.XIII in respect of compelling the production of documents or other material objects producible as evidence and impounding the same;
- (iv) O.XVIII in respect of examining witnesses on oath;
- (v) O.XVII in respect of granting adjournments;
- (vi) O.XIX in respect of reception of evidence taken on affidavit;
- (vii) O.XXVI in respect of issuing commissions for the examination of witnesses, and summoning and examining *suo motu* any person whose evidence appears to the Tribunal to be material.

(2) Save as provided by the Act or by these Regulations, any of the other provisions of the Code of Civil Procedure, 1908, in so far as they are applicable, shall govern all proceedings before the Tribunal under the Act and these Regulations unless the Tribunal otherwise orders.

(3) The provisions of the Indian Evidence Act shall, as far as may be, apply in the recording of evidence before the Tribunal.

(4) Every person before giving evidence shall be administered oath in accordance with Form No. 10.

(5) The search warrant to be issued under Section 10-C(2) of the Act shall be in Form No. 11.

(6) Subject to the provisions of the Act, nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Tribunal to give such directions or pass such orders in all matters arising out of the exercise of its powers and the discharge of its functions, as may be necessary, proper and just.

APPENDIX I

FORM NOS. 1 TO 11

FORM NO. 1

(See Regulation 6, Chapter IV)

General heading for proceedings

Before the Companies Tribunal at (Constituted under Section 10-A of the Companies Act, 1956, as amended by Act, 53 of 1963):

Original/Appellate Jurisdiction.

In the matter of the Companies Act, 1956

and

In the matter of X. Y. Ltd., *(Give the name of the Company):

*NOTE: (1) Where the company is being woundup, the words "in liquidation" should be inserted in brackets after the name of the company.

(2) Where the company is wound up under the provisions of the Banking Companies Act, 1949 or the Insurance Act, 1938, the relevant Act should be set out in the cause title along with the Companies Act, 1956.

FORM NO. 2

(See Regulation 4, Chapter VII)

(Heading as in Form No. 1)

Company Petition/Application/Appeal No. of 19.....

Affidavit verifying petition

I, A. B., son of aged residing at
....., do solemnly affirm and say as follows:—

1. I am a director/secretary/ of Ltd., the petitioner in the above matter (*and am duly authorised by the said petitioner to make the affidavit on its behalf):

(Note: This paragraph is to be included in case where the petitioner is the Company).

2. The statements made in paragraphs of the petition herein now shown to me and marked with the letter 'A', are true to my knowledge, and the statements made in paragraphs are based on information and I believe them to be true.

3. The annexures to the petition marked with the letter 'B', 'C', 'D' etc. are true and correct copies of the originals.

Solemnly affirmed, etc.

*NOTE: To be included when the affidavit is sworn to by any other than a director, agent or secretary or other officer of the company.

FORM No. 3

(See Regulation 10, Chapter VII)

(Heading as in Form No. 1)

Company Petition/Application/Appeal No. of 19.....

Notice of intention to appear

To

.....
.....
.....

Take notice that A. B., intends to appear at the hearing of the petition/ application/appeal advertised/notified to be heard on the day of 19....., and to oppose (or support) such petition/application/appeal.

(Name)

(Sd/-)

Address

.....
.....

Dated

(NOTE: Grounds of objection or copy of the affidavit, if any, should be served with the notice).

FORM No. 4

(See Regulation 11, Chapter VII)

(Heading as in Form No. 1)

Company Petition/Application/Appeal No. of 19.....

List of persons intending to appear.

The following are the names of those who have given notice of their intention to attend at the hearing of the petition/application/appeal herein on the day of 19.....

Name	Address	Name of Advocate, if any	Opposing	Supporting

Sd/-.....
Advocate for the Petitioner:

FORM No. 5

(See Regulation 2 Chapter VIII)

(Heading as in Form No. 1)

Company Petition/Application/Appeal No. of 13.

Notice of Petition/Application/Appeal.

To

.....

Take notice that a petition/application/appeal under Section of the Companies Act, 1956, for presented by on the day of 19....., was admitted on the day of 19....., and that the said petition/application/appeal is fixed for hearing before the Companies Tribunal on the day of 19..... at If you desire to support or oppose the petition/application/appeal at the hearing, you should give me notice thereof in writing so as to reach me not later than days before the date fixed for the hearing of the petition/application/appeal, and appear at the hearing in person or by your Advocate/Attorney/Agent. If you wish to oppose the petition, the grounds of opposition or a copy of your affidavit should be furnished with your notice. A copy of the petition/application/appeal will be furnished to you if you require it on payment of the prescribed charges for the same/is enclosed herewith.

(Name)

(Sd/-)

Advocate for petitioner/applicant/appellant.

Address

Dated

(This notice should be served on or before the day of 19.....)

*NOTE: Where the notice is to a respondent named in the petition, a copy of the petition should be served on him along with the notice.

FORM No. 6

(See Regulation 6 Chapter VIII)

(Heading as in Form No. 1)

Company Petition/Application/Appeal No. of 19.....

Affidavit of service of petition on company.

In the matter of a petition/application/appeal dated for

I, of etc. solemnly affirm and say as follows:—

1. (In the case of service of petition on a company by leaving it with an officer or employee of the company at the registered office, or, if no registered office, at the principal or last known principal place of business of the company):

That I did on day, the day of 19..... serve the above-named company with the above-mentioned petition/application/appeal by delivering to and leaving with (name and description), an officer or employee of the said company, a copy of the above-mentioned petition/application/appeal, duly sealed with the seal of the Tribunal, at (office or place of business as aforesaid), at O'clock in the noon.

2. (In the case of no officer or employee of the company being found at the registered office or place of business):

That I did on day, the day of 19..... having after due diligence failed to find any officer or employee of the above-named company at (here state registered office or place of business), leave there a copy of the above-mentioned petition/application/appeal, duly sealed with the seal of the Tribunal, at O'clock in the noon (add where such sealed copy was left, e.g., affixed to door of office, or placed in letter box, or otherwise):

3. (In the case of directions by the Tribunal for substituted service):

That I did on day, the day of 19..... serve (name or names and description) with a copy of the above-named petition/application/appeal, duly sealed with the seal of the Tribunal, by delivering the same together with a true copy of the order for substituted service dated personally to the said at (place) at O'clock in the noon (or as the case may be):

4. (Where the service is by registered post):

That I did on day, the day of 19..... send by pre-paid registered post addressed to the said company at (here state registered office or place of business) (or addressed to—name and description as directed by the Tribunal), a true copy of the above-mentioned petition/application/appeal, and the postal voucher and the acknowledgment received in respect of the same are annexed hereto.

5. The copy served is a copy of the said petition/application/appeal now produced and shown to me marked 'A'.

Solemnly affirmed etc.

FORM NO. 7

(See Regulation 6, Chapter VIII)

(Heading as in Form No. 1)

Company Petition/Application No. of 19.....

(Affidavit of service of petition/application on liquidator):

In the matter of a petition/application, dated for

I, of etc. solemnly affirm and say as follows:—

That I did, on day, the day of 19....., serve (name and description) the Liquidator of the above-named company, with a copy of the above-mentioned petition/application, duly sealed with the seal of the Tribunal, by delivering the same personally to the said at (place) at O'clock in the noon (or by sending the same by registered post addressed to the said liquidator at The postal receipt and acknowledgment are annexed hereto):

The copy served is a copy of the said petition/application now produced and shown to me marked 'A'.

Solemnly affirmed, etc.

FORM NO. 8

(See Regulation 1, Chapter XIII)

(Heading as in Form No. 1)

Company Petition No. of 19.....
[Name(s) Petitioner(s)].

Petition by minority shareholders under Section 397.

The petition of [full name, description and address of the petitioner(s)] sheweth as follows:

1. The address of the petitioner(s) for service of all notices, processes etc., is that of his (their) advocate at

2. The Co. Ltd., above-mentioned (hereinafter called the company) was incorporated on under the provisions of the (Companies Act, 1956).
3. The registered office of the company is situate at.....
4. The nominal capital of the Company is Rs. divided into shares of Rs. each. The amount of capital paid up or credited as paid up is Rs.
5. The objects for which the company was established are as follows:—

* * * *

and other objects set forth in the memorandum of association of the company annexed hereto.

6. [Here set out the facts showing that the Petitioner(s) has (have) a right to apply under section 399(1) or (4)].
7. [Here set out in numbered paragraphs the facts on which the petitioner(s) relies (rely) to show that the affairs of the company are being conducted in a manner oppressive to a part of the members of the company including the petitioner(s)].

(conclude as follows)

In these circumstances, the petitioner(s) (submit) that the affairs of the company are being conducted in a manner oppressive to a part of the members of the company [including the petitioner(s)], and that while it would be just and equitable that the company should be wound up, to do so would unfairly prejudice the petitioner(s) and that part of the members.

The petitioner(s), therefore, prays (pray) as follows:—

1. (here set out the remedy sought).
2. Or, such other order may be made in the premises as shall be just.

SCHEDULE

(Here enter the names and addresses of the members who have given their consent to the petition being presented on their behalf, and where the company has a share capital, the number of shares held by each of them and whether all the calls or other sums due on their shares have been paid, as follows:)

Serial No.	Name of member	Address	No. of shares held	Whether all calls and other sums due on shares have been paid
1	2	3	4	5

Advocate for the petitioner(s).

Petitioner(s).

NOTE: Where the petition is presented on behalf of the members set out in the schedule, the letter of consent given by them should be annexed to the petition.

FORM NO. 9

(See Regulation 1, Chapter XIII)

(Heading as in Form No. 1)

Company Petition No. of 19.....

[Name(s).....Petitioner(s)].

Petition under section 398 for relief against mismanagement.

The petition of [full name, description and address of the petitioner(s)], sheweth as follows:—

Paras 1 to 6 as in Form No. 8.

7. (Here set out in numbered paragraphs the facts showing that the affairs of the company are being conducted in a manner prejudicial to the interests of the company or that a material change has taken place in the management or control of the company and that by reason of such change, it is likely that the affairs of the company will be conducted in a manner prejudicial to the interests of the company).

In these circumstances the petitioner(s) prays (pray) as follows:—

- (1) Here set out the remedy or remedies sought.
- (2) Or such other order may be made in the premises as shall be just.

SCHEDULE

(Here enter the names and addresses of the members who have given their consent to the petition being presented on their behalf, and where the company has a share capital, the number of shares held by each of them and whether all the calls or other sums due on their shares have been paid, as follows:—

S. No.	Name of member	Address	No. of Shares held	Whether all calls and other sum due on shares have been paid.
--------	----------------	---------	--------------------	---

Advocate for the Petitioner(s)

Petitioner(s)

NOTE: Where the petition is presented on behalf of the members set out in the Schedule, the letter of consent given by them should be annexed to the petition.

FORM NO. 10

(See Regulation 4, Chapter XX)

Witness' oaths

Christian (on New Testament):—

In case of Quaker substitute for "swear" "being one of the people called Quakers do solemnly, sincerely and truly declare and affirm".

I swear that what I shall state be the truth, the whole truth and nothing but the truth. So help me God.

Hindu and Mohammedan:—

"I solemnly affirm in the presence of Almighty God that what I shall state shall be the truth, the whole truth and nothing but the truth."

Jew (on the Hebrew Testament):—

"I swear that what I shall state shall be the truth, the whole truth and nothing but the truth. So help me God."

Parsi:—

(The witness, with his shoes on and placing his right hand on the open Zend-Avesta, shall say):—

"I swear in the presence of Almighty God that what I shall state shall be the truth, the whole truth and nothing but the truth. Manassni, Gavasni, Kunasni."

AFFIRMATIONS

"I solemnly affirm that what I shall state be the truth, the whole truth and nothing but the truth."

FORM NO. 11

(See Regulation 5, Chapter XX)

(Heading as in Form No. 1)

WARRANT OF SEARCH SUSPECTED PLACE OF DEPOSIT

(See section 10-C of the Companies Act, 1956, as amended by Act 53 of 1963).

To

(Name and designation of a Police Officer not below the rank of sub-Inspector)

Whereas, information has been laid before the Companies Tribunal and on due inquiry thereupon the Tribunal has been led to believe that the (describe the house or other place) is used as a place for the deposit or custody of documents or (things) which is material for the purpose of determining Petition/Application (here give the number and title of the case) pending before this Tribunal,

This is to authorize and require you to enter the said house (or other place) with such assistance as may be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (or other place, or if the search is to be confined to a part, specify the part clearly), and to seize and take possession of any (documents, or things) (as the case may be), and forthwith to bring before this Tribunal such of the documents and/or things as may be taken possession of together with the list of the same, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Companies Tribunal, this..... day of.....19....

(Seal)

(Signature)

REGISTRAR

TABLE OF CHARGES

COPYING

ORDINARY:

(a) For copying & Comparing:

40 paise per folio of 100 words, or a fraction thereof, inclusive of paper charges.

- | | |
|--|---|
| (b) For copying documents in tabular form: | 80 paise inclusive of paper charges. |
| (c) For copying map or plan: | Rs. 2/- to Rs. 25/- as the Registrar may determine. |

URGENT:

- | | |
|--|---|
| (d) For copies of documents or papers at (a) to (c) above: | 1½ times fees as required in (a) to (c) above. |
| (e) Where a party applies for immediate delivery of a copy of evidence taken down by a Stenographer: | The fees chargeable shall be 2½ times of that specified in (a) above; half the ordinary fees charged shall be paid to the Stenographer. |

COMPARING:

- | | |
|--|----------------------------------|
| (f) For comparing private copies produced for certification: | 20 paise per folio of 100 words. |
|--|----------------------------------|

CERTIFICATION:

- | | |
|--|---|
| (g) For certification of the copies as true: | One rupee for every 100 words or fraction part thereof. |
|--|---|

SEARCH:

- | | |
|--|----------------------------|
| (a) of the records of a case; | Re. 1/- per day. |
| (b) of registers prescribed under the rules: | Re. 1/- per each register. |

[No. 8(1)-CT/64.]

By Order of the Tribunal,

M. P. SAXENA,
18-11-64
Registrar.

(Department of Economic Affairs)*New Delhi, the 26th November 1964*

G.S.R. 1701.—In exercise of the powers conferred by section 24 of the Indian Securities Act, 1920 (10 of 1920), the Central Government hereby makes the following rules to amend the Indian Securities Rules, 1935, the same having been previously published as required by sub-section (1) of the said section, namely:—

1. These rules may be called the Indian Securities (Amendment) Rules, 1964.
2. In the Indian Securities Rules, 1935, to rule 6, the following Explanation shall be added, namely:—

“Explanation.—In this rule, the expression “stock” includes a certificate as defined in clause (iii) of rule 2 of the Post Office Savings Certificates Rules, 1960, and references to “Public Debt Office” shall in its application to such a certificate be construed as references to the post office at which the certificate stands registered.”

[No. F. 7(13)-NS/63.]

A. G. KRISHNAN,
Officer on Special Duty.

(Department of Revenue and Company Law)

MEDICINAL AND TOILET PREPARATIONS

New Delhi, the 5th December 1964

G.S.R. 1702.—In exercise of the powers conferred by section 19 of the Medicinal and Toilet Preparations (Excise Duties) Act, 1955 (16 of 1955), the Central Government hereby makes the following rules further to amend the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, namely:—

1. These rules may be called the Medicinal and Toilet Preparations (Excise Duties) Amendment Rules, 1964.

2. In the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, in the schedule, under the heading '(Unrestricted Preparations)', under the sub-heading 'Medicinal preparations', in the second column against item 'Mynberrys Compound with Ovolocthin', for the words and abbreviation 'product of M/s. Mysore Nutrients, Bangalore', the words and abbreviation 'manufactured by M/s. Associated Drug Co. Private Limited, Bangalore' shall be substituted.

[No. 17 F. No. 45/5(3)/64-Opium.]

G.S.R. 1703.—In pursuance of sub-rule (3) of rule 60 of the Medicinal and Toilet Preparations (Excise Duties) Rules, 1956, the Central Government hereby declares that the medicinal preparations specified below shall be included in the category of unrestricted preparations.

Euphomin manufactured by M/s. Associated Drug Co. Private Limited, Bangalore.

[No. 18 F. No. 45/5(3)/64-Opium.]

CUSTOMS AND CENTRAL EXCISE

New Delhi, the 5th December 1964

G.S.R. 1704.—In exercise of the powers conferred by sub-section (2) of section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944), as in force in India, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960.

Amendment

These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1964.

In the second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 after the existing item at Serial No. 206 and entries relating thereto the following shall be inserted, namely:—

"207. Brass, copper and aluminium rods, squares, hexagons, octagons and other profiles pipes and wires".

[No. 92/F. No. 238/5/64-DBK.]

G.S.R. 1705.—In exercise of the powers conferred by sub-section (2) of section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excises and Salt Act 1944 (1 of 1944), as in force in India, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960.

Amendment

These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1964.

2. In the Second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 after the existing item at Serial No. 187 and entries relating thereto, the following shall be added, namely:—

"188. Man made fibre top and cut staple."

[No. 93/F.No.1/5/64-DBK.]

G.S.R. 1706.—In exercise of the powers conferred by sub-section (2) of Section 75 of the Customs Act, 1962 (52 of 1962) and section 37 of the Central Excises and Salt Act, 1944 (1 of 1944) as in force in India, the Central Government hereby makes the following further amendment in the Customs and Central Excise Duties Export Drawback (General) Rules, 1960.

Amendment

These rules may be called the Customs and Central Excise Duties Export Drawback (General) Amendment Rules, 1960.

2. In the Second Schedule to the Customs and Central Excise Duties Export Drawback (General) Rules, 1960 after the existing item at Serial No. 207 and entries relating thereto, the following shall be added, namely:—

“208. Coca Cola Concentrate”.

[No. 95/F.No.147/1/64-DBK.]

CUSTOMS

New Delhi, the 5th December 1964

G.S.R. 1707.—In exercise of the powers conferred by sub-section (1) of section 75 of the Customs Act, 1962 (52 of 1962), as in force in India the Central Government hereby makes the following further amendment in the Notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. G.S.R. 575 (55 of F. No. 34/86/60-Cus. IV) dated the 28th May, 1960, namely:—

Amendment

In the Schedule to the said notification, after the existing item at Serial No. 249 and entries relating thereto, the following shall be inserted, namely:—

“250. Brass, Copper and aluminium rods, squares, hexagons, octagons and other profiles, pipes and wires”.

[No. 156/F. No. 138/5/64-DBK.]

G.S.R. 1708.—In exercise of the powers conferred by section 156 read with sub-section (3) of section 160 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following rules to amend the Manufacture in Customs Bond (General) Rules, 1960, namely:—

Amendment

1. (i) These rules may be called the Manufacture in Customs Bonds (General) Amendment Rules, 1964.

2. In the Manufacture in Customs Bonds (General) Rules, 1960, in the Schedule, after item 23 and the entries relating to it, the following shall be added, namely:—

“24. Articles made of man made fibre waste and tow”.

[No. 158/F. No. 1/5/64-DBK.]

G.S.R. 1709.—In exercise of the powers conferred by sub-section (1) of section 75 read with sub-section (3) of section 160 of the Customs Act, 1962 (52 of 1962), the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. GSR-575 (55/F. No. 34/86/60-Cus. IV), dated the 28th May, 1960, namely:—

Amendment

In the Schedule to the said Notification after the existing item at Serial No. 229 and entries relating thereto, the following shall be added, namely:—

“230. Man made fibre top and cut staple”.

[No. 159/F. No. 1/5/64-DBK.]

G.S.R. 1710.—In exercise of the powers conferred by sub-section (1) of Section 75 read with sub-section (3) of section 160 of the Customs Act, 1962 (52 of 1962),

the Central Government hereby makes the following further amendment in the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. G.S.R. 575 (55/F. No. 34/86/60-Cus-IV), dated the 28th May, 1960, namely:—

Amendment

In the Schedule to the said Notification after the existing item at Serial No. 250 and entries relating thereto, the following shall be added, namely:—

“251. Coca Cola Concentrate”.

[No. 161/F. No. 147/1/64-DBK.]

(Department of Revenue and Company Law)

CORRIGENDUM

New Delhi, the 5th December 1964

G.S.R. 1711.—The number of this Ministry's Notification No. 147/F. No. 146/1/64-DBK published in Part II, Section 3(i) of the Gazette of India, dated the 31st October, 1964 may be amended to read as Notification No. 150/F. No. 146/1/64-DBK.

[No. 157/F. No. 146/1/64-DBK.]

J. BANERJEE, Dy. Secy.

(Department of Revenue and Company Law)

CENTRAL EXCISES

New Delhi, the 5th December 1964

G.S.R. 1712.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, the Central Government hereby exempts silver [falling under Item No. 24 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944)] from the whole of the duty of excise leviable thereon, if such silver is reclaimed from industrial wastes including hypo-water and scrap of zari or recovered by the refiners of gold and manufacturers of liquid gold.

[No. 181/64-C.E./F. No. 13/3/63-CX.III.]

G.S.R. 1713.—In exercise of the powers conferred by sub-rule (1) of rule 8 of the Central Excise Rules, 1944, read with sub-section (4) of section 61 of the Finance Act, 1964 (5 of 1964), the Central Government hereby exempts any mineral oil produced in the State of Assam and falling under Item No. 9 of the First Schedule to the Central Excises and Salt Act, 1944 (1 of 1944)—

- (i) from the levy of the special duty of excise under clause (a) of sub-section (1) of section 61 of the first mentioned Act; and
- (ii) from so much of the duty of excise leviable thereon as is in excess of such duty leviable on Furnace Oil falling under Item No. 10 of the First Schedule to the second mentioned Act:

Provided that the mineral oil satisfies the following conditions, namely:—

- (i) it has its flashing point at or above one hundred and fifty degrees of Fahrenheit's thermometer;
- (ii) it has a flame height of less than ten millimetres;
- (iii) it has pour point as determined by the method I.P. 15/60 prescribed by the Institute of Petroleum, London, at or above fifty degrees of Fahrenheit's thermometer;
- (iv) it has a viscosity of over thirty-five seconds by Redwood I Viscometer at one hundred degrees of Fahrenheit's thermometer; and

(v) it contains more than 1.75 per cent by weight of any bituminous substance.

2. The exemptions granted by this notification shall remain in force upto and inclusive of the 28th day of February, 1965.

[No. 182/64.]

N. B. SANJANA, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 24th November 1964

G.S.R. 1714.—In pursuance of sub-rule (1) and first proviso to sub-rule (2) of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government in consultation with the Government of Assam hereby make the following further amendment in the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955:—

Amendment

In the Schedule to the said Regulations, under "ASSAM" for the entry

"Development Commissioner"

the following shall be substituted:—

"Commissioner for Agricultural Production and Rural Development and Special Secretary to the Government".

[No. 24/3/64-AIS(I).]

New Delhi, the 27th November 1964

G.S.R. 1715.—In pursuance of sub-rule (1) and the first proviso to sub-rule (2) of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government in consultation with the Government of Gujarat hereby make the following further amendments in the Indian Administrative Service (Fixation of Cadre Strength) Regulations, 1955:—

Amendments

In the Schedule to the said Regulations, under "Gujarat"

(i) the following entries may be deleted:—

"Commissioners of Divisions	3"
"Additional Collector	1"
"Deputy Commissioner of Sales Tax	1"

(ii) the following entries may be added:—

"Special Secretary to Government	1"
"Revenue Inspection Commissioner	1"
"Special Officer, Plan Implementation	1"

(iii) for the entry

"Deputy Secretaries to Government	12"
---	-----

the following may be substituted:—

"Deputy Secretaries to Government	14"
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2. These amendments shall be deemed to have come into force with effect from the 15th May, 1964.

[No. 6/30/64-AIS(I).]

G.S.R. 1716.—In pursuance of rule 11 of the Indian Administrative Service (Pay) Rules, 1954, the Central Government, after consultation with the Government of

Jammu and Kashmir, hereby makes the following amendments in Schedule III appended to the said rules.

2. These amendments shall be deemed to have come into force with effect from the 1st July, 1964.

Amendments.

In the said Schedule—

(1) Under the heading 'A-Posts carrying pay above the time-scale pay in the Indian Administrative Service under the State Governments', against 'Jammu and Kashmir', the following entries shall be added, namely:—

"Financial Commissioner 2250".

(2) Under the heading 'B-Posts carrying pay in the senior time-scale of the Indian Administrative Service under the State Governments including posts carrying special pays in addition to pay in the time-scale', against 'Jammu and Kashmir', the following entry shall be deleted, namely:

"Financial Commissioner."

[No. 1/82/64-AIS(II).]

New Delhi, the 30th November 1964

G.S.R. 1717.—In pursuance of sub-rule (1) and the first proviso to sub-rule (2) of rule 4 of the Indian Administrative Service (Cadre) Rules, 1954, the Central Government, in consultation with the Government of Uttar Pradesh, hereby make the following further amendments to the IAS (Fixation of cadre strength) Regulation, 1953:—

In the Schedule to the said Regulations under "Uttar Pradesh" for the entries:—

(i) "Member, Board of Revenue (Administrative) ... 1"

(ii) "Members, Board of Revenue (Ordinary) .. 2"

the following may be substituted:—

(i) "Chairman, Board of Revenue ... 1"

(ii) "Members, Board of Revenue ... 2"

[No. 6/47/64-AIS(I).]

G.S.R. 1718.—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government after consultation with the Governments of States concerned, hereby makes the following rules further to amend the Indian Administrative Service (Cadre) Rules, 1954, namely:—

1. These rules may be called the Indian Administrative Service (Cadre) Amendment Rules, 1964.

2. In the Indian Administrative Service (Cadre) Rules 1954, in the second proviso to sub-rule (2) of rule 4, for the words "not exceeding one year" the words "not exceeding one year, and with the approval of the Central Government for a further period not exceeding two years" shall be substituted.

[No. 6/8/64-AIS(I).]

G.S.R. 1719.—In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of States concerned, hereby makes the following rules further to amend the Indian Police Service (Cadre) Rules, 1954, namely:—

1. These rules may be called the Indian Police Service (Cadre) Amendment Rules, 1964.

2. In the Indian Police Service (Cadre) Rules, 1954, in the second proviso to sub-rule (2) of rule 4, for the words "not exceeding one year" the words "not exceeding one year, and with the approval of the Central Government for a further period not exceeding two years", shall be substituted.

[No. 6/8/64-AIS(I).]

O. S. MARWAH, Under Secy.

New Delhi, the 25th November 1964

G.S.R. 1720.—In exercise of the powers conferred by sub-rule (1) of rule 113 of the Defence of India Rules, 1962, the Central Government hereby appoints Shri S. V. H. Pagare, District and Sessions Judge, Gwalior, to be a member of the Compensation Tribunal for the State of Madhya Pradesh, which was constituted by the Central Government by the notification of the Government of India, in the Ministry of Home Affairs No. G.S.R. 860, dated the 17th May, 1963, in the place of Shri M. Bajpai since transferred out of Gwalior.

[No. F. 4/63-Poll(Spl).]

CORRIGENDUM

New Delhi, the 25th November 1964

G.S.R. 1721.—In the notification of the Government of India in the Ministry of Home Affairs G.S.R. No. 1295 published at page 1440 of the Gazette of India, Part II, Section 3, Sub-section (i), dated 12th September, 1964, in the preamble, in line 4, for '3rd April, 1962' read '3rd April, 1963'.

[No. F. 4/63-Poll(Spl).]

J. N. GUPTA, Under Secy.

ORDER

New Delhi, the 27th November 1964

G.S.R. 1722.—Whereas in the opinion of the Central Government the pamphlet entitled "KERALA MASSES SHARPEN ANTI-REACTIONARY AND ANTI-REVISIONIST STRUGGLE" contains prejudicial reports as defined in clause (7) of rule 35 of the Defence of India Rules, 1962;

Now, therefore, in exercise of the powers conferred by rule 45 of the Defence of India Rules, 1962, the Central Government hereby—

- (a) prohibits the sale or distribution of the said or similar pamphlet or any extract therefrom or of any translation thereof, and declares the said pamphlet and every copy or translation thereof or extract therefrom, to be forfeited to Government; and
- (b) directs every person possessing any copy of the said pamphlet to deliver the same to the local police authorities.

[No. 41/134/64-Poll. II.]

G. S. KAPOOR, Under Secy.

DEPARTMENT OF SOCIAL SECURITY

New Delhi, the 27th November, 1964.

G.S.R. 1723.—Whereas the Central Government is of opinion that a Provident Fund Scheme should be framed under the Employees' Provident Funds Act, 1952, (19 of 1952), in respect of the employees of the milk and milk products industry;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Employees' Provident Funds Act, 1952, (19 of 1952), the Central Government hereby directs that with effect from the 31st December, 1964, the said industry shall be added to Schedule I to the said Act.

[No. 4(4)63-PF. II.]

S. A. AHMAD, Dy. Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 24th November 1964

G.S.R. 1724.—In pursuance of sub-rule (2) of rule 1 of the Forest Research Institute and Colleges, Dehra Dun (Senior Research Officer—Silviculture and Soil Science) Recruitment Rules, 1963, the Central Government hereby appoints the 24th day of November, 1964 as the date on which the said Rules shall come into force.

[No. 37-165/64-F.]

S. N. TULSIANI, Under Secy.

(Department of Food)

New Delhi, the 23rd November 1964

G.S.R. 1725.—In pursuance of section 7 of the Warehousing Corporation Act, 1962 (58 of 1962), read with clauses (iii) and (v) of rule 3 of the Central Warehousing Corporation Rules, 1963, the Central Government hereby nominates Shri N. V. Venkataraman, Joint Secretary to the Government of India, Ministry of Finance (Department of Expenditure) and Shri Krishan Chand, Director General of Food, as directors of the Central Warehousing Corporation established under the said Act in place of Shri K. N. Channa and Shri H. Lal respectively and directs that the following further amendment shall be made in the notification of the Government of India in the Ministry of Food and Agriculture (Department of Food) No. G.S.R. 485, dated the 16th March, 1963, namely:—

In the said notification, for items (3) and (5) and the entries relating thereto, the following items and entries shall respectively be substituted, namely:—

- “(3) Shri N. V. Venkataraman, Joint Secretary to the Government of India, Ministry of Finance (Department of Expenditure).
- (5) Shri Krishan Chand, Director General of Food and Additional Secretary to the Government of India, Ministry of Food and Agriculture (Department of Food).”

No. F-26/62/62-SG-II.]

P. KRISHNAMURTHI, Under Secy.

(Department of Food)

New Delhi, the 1st December 1964

G.S.R. 1726.—The following draft of certain rules further to amend the Rice-Milling Industry (Regulation and Licensing) Rules, 1959, which the Central Government proposes to make in exercise of the powers conferred by section 22 of the Rice-Milling Industry (Regulation) Act, 1958 (21 of 1958), is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 31st day of December, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the aforesaid date will be taken into consideration by the Central Government.

DRAFT RULES

1. These rules may be called the Rice-Milling Industry (Regulation and Licensing) Second Amendment Rules, 1964.

2. In the Rice-Milling Industry (Regulation and Licensing) Rules, 1959, in clause (d) of sub-rule (2) of rule 6, the words "or the Governor of a State," shall be omitted.

[No. 209(GEN)(10)/762/64-PY. II.]

K. T. THAKORE, Dy. Secy.

MINISTRY OF EDUCATION

CORRIGENDUM

New Delhi, the 25th November 1964

G.S.R. 1727.—In Ministry of Education notification No. G.S.R. 1312, dated the 5th September, 1964, published in Part II, Section 3, Sub-section (i) of the Gazette of India, dated September 12, 1964 (Bhadra 21, 1886) for the figure "iv" in the penultimate line of para 6, the following word shall be substituted:—

"or"

[No. 50-44/63-UU.]

C. S. NAYAR, Under Secy.

MINISTRY OF WORKS AND HOUSING

(Central Boilers Board)

New Delhi, the 25th November, 1964.

G.S.R. 1728.—The following draft of certain Regulations further to amend the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923, (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th December, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Works and Housing, North Block, New Delhi.

Draft Regulations

1. These Regulations may be called the Indian Boiler (Amendment) Regulations, 1964.

2. In the Indian Boiler Regulations, 1950, in the list of Well-known Steel-Makers specified in Appendix 'G', the following shall be added at the end, namely:—

"Jones & Laughlin Steel Corporation, 3, Gateway Centre, PITTSBURGH 30, PA."

[No. BL-8/8/63-PIL.]

New Delhi, the 27th November 1964

G.S.R. 1729.—The following draft of certain Regulations further to amend the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to

make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th December, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Works and Housing, North Block, New Delhi.

DRAFT REGULATIONS

1. These Regulations may be called the Indian Boiler (Amendment) Regulations, 1964.

2. In the Indian Boiler Regulations, 1950, in the list of "Well-known Steel-Makers" in Appendix 'G', the following shall be added at the end, namely:—

"Kaiser Steel Corporation, 300 Lakeside Drive, Oakland, California, U.S.A."

[No. BL-8(8)/62-S&PIL.]

New Delhi, the 28th November 1964

G.S.R. 1730.—In pursuance of clause (dd) of Regulation 2 of the Indian Boiler Regulations, 1950, the Central Boilers Board hereby recognises INTERNATIONAL INSPECTION AND TESTING CORPORATION, No. 14, 2-chome, Koami-cho, Nihonbashi, Chuo-ku, Tokyo, JAPAN, as a Competent Authority to issue certificates to welders for the purpose of Regulation 4(b)(il) of the said Regulations.

[No. B1-8/14/63-PIL.]

G.S.R. 1731.—The following draft of certain Regulations further to amend the Indian Boiler Regulations, 1950, which the Central Boilers Board proposes to make in exercise of the powers conferred by section 28 of the Indian Boilers Act, 1923 (5 of 1923), is published as required by sub-section (1) of section 31 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 20th December, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Boilers Board. Such objections or suggestions should be addressed to the Secretary, Central Boilers Board, Ministry of Works and Housing, North Block, New Delhi.

DRAFT REGULATIONS

1. These Regulations may be called the Indian Boiler (Amendment) Regulations, 1964.

2. In the Indian Boiler Regulations, 1950,—

in Regulation 537, for paragraph 1, the following paragraph shall be substituted, namely:—

"**Materials of Construction.**—Plates, sections and bars used in the construction of these boilers shall comply in all respects with the requirements of Chapters II and V.

[No. B1-9(45)/63-P.II.]

K. B. SAXENA, Secy.

MINISTRY OF TRANSPORT

(Roads Wing)

New Delhi, the 26th November, 1964.

G.S.R. 1732.—In exercise of the powers conferred by Article 258 of the Constitution, the President hereby directs that the functions in relation to the collection of fees under rule 3 of the National Highways (Temporary Bridges) rules 1964

promulgated under Section 9 of the National Highways Act, 1956 (Act No. 48 of 1956) shall be exercisable by the State Governments within their jurisdiction.

[No. WV-6(1) 64.]

New Delhi, the 26th November, 1964.

G.S.R. 1733.—In exercise of the powers conferred by section 9 of the National Highways Act 1956 (48 of 1956) the Central Government hereby makes the following rules, namely:

1. *Short title.*—These rules may be called the National Highways (Temporary Bridges) Rules, 1964.

2. *Rates of fees.*—The rates at which fees for services rendered in relation to the use of temporary bridges on any national highway may be levied, shall be as specified in the schedule to these rules.

3. *Procedure for collection of fees.*—The Central Government may—

(i) collect the fees payable for services rendered in relation to the use of temporary bridges departmentally; or

(ii) Lease out, by public auction or by negotiation, for a period not exceeding one year at a time and subject to such conditions as may be specified in the lease deed, the right to collect such fees: Provided that where such right is leased out by negotiation, the reasons for the same shall be recorded in writing.

SCHEDULE

Fees for services rendered in relation to the use of temporary bridges on National Highways.

Sl. No.	Nature of service	Rate of fees (in Rs.)
1	Palkee with 8 bearers & travellers	0.37
2	Palkee empty	0.19
3	Palkee with 6 bearers & travellers	0.25
4	Palkee empty	0.12
5	Dooly with 4 bearers & travellers	0.19
6	Dooly empty	0.06
7	Dooly with 2 bearers & travellers	0.09
8	Dooly empty	0.06
9	Ekka, Rath, Manjhauhl with single Bullock or party]	0.19
10	Ekka, Rath less bullock pair	0.25
11	Drawn by horse or one or two bullocks with travellers & Sayees	0.50
12	Drawn with syce only	6.37
13	Four wheeled carriage on spring drawn by one horse or pair of bullock with travellers and servants	1.00
14	Four wheeled carriage with servants only	0.75
15	Four wheeled carriage drawn by two horses with travellers and servants	1.50
16	Four wheeled carriage with servants only	1.00
17	Four wheeled carriage without [spring drawn by two bullocks ladden and with travellers	0.50
18	Four wheeled carriage empty	0.25
19	Four wheeled carriage drawn by more than two bullocks ladden or with travellers.	1.00

Sl. No.	Nature of service	Rate of fees (in Rs.)
20	Four wheeled carriage empty	0.50
21	Hackney with pair of bullocks laden	0.22
22	Hackney with three or more bullocks laden	0.37
23	Hackney empty	0.09
24	Hackney empty with three or more bullocks	0.19
25	Bullocks or buffaloes in drive per score if less than one score	0.25
25	Bullocks or buffaloes if less than one score	0.08
27	Bullock or buffaloes if laden	0.03
28	Sheep goats in drive per score	0.12
29	Sheep if less than one score	0.02
30	Dog	0.06
31	Horse with rider or syce or both	0.19
32	Ponny with rider or syll or both	0.06
33	Ass or mule laden with driver	0.09
34	Ass or mule unladen with driver	0.06
35	Camels laden in strings per 1/4 score	2.25
36	Camels laden in less than ten	0.31 each
37	Camels laden unladen in string per half score	1.50
38	Camels if less than ten	0.19
39	Elephant with gear or Howdah	0.75
40	Motor car (in addition to Rs. 10.00 additional 25nP for every occupant)	10.00
41	Loaded truck or passenger bus	50.00
42	Unloaded truck or passenger bus (In addition to Rs. 12.50 nP additional 25 nP for every occupant)	12.50
43	Rickshaw loaded	0.25
44	Rickshaw unloaded	0.12
45	Motor Cycle with side car	0.50
46	Motor without side car	0.25

Services exempted from fees

1. Mails, mail-carts, dak-runners, and Government telegraphs messengers on duty.
2. Police and other public officers and process serving peons when travelling on duty with their *bona fide* baggage, horse, palkies or other conveyances.
3. Executive officers of the District Road Department when travelling on duty.
4. Members of the District and Local Board travelling on duty connected with their office as such members.
5. Coolies engaged in repairing roads, with their tools and instruments.
6. Persons carrying dead bodies or property sent in by the police.
7. Military officers, when travelling on duty, troops in uniform and their families, attendants, animals and vehicles accompanying them.
8. Vehicles moving under the orders of military authority.
9. Government servants travelling on duty, their attendants, animals and vehicles accompanying them.

10. Persons and animals employed in and vehicles transmitted on the public service.
11. Vehicles employed in connection with the transport of materials or goods owned or purchased by Government while proceeding with, or travelling empty for taking, such a load.
12. Village kotwal, travelling on duty and accused persons in custody.
13. Persons, animals and vehicles conveying materials for use on works in charge of the P.W.D.
4. Pedestrians.

[No. WV-6(1)64.]

H. P. SINHA,
Consulting Engineer (Road Development) & Jt. Secy.

MINISTRY OF CIVIL AVIATION

New Delhi, the 28th November 1964

G.S.R. 1734.—The following draft of certain rules further to amend the Indian Aircraft Rules, 1937, which the Central Government propose to make in exercise of the powers conferred by section 5 of the Aircraft Act, 1934 (22 of 1934) is published for information of all persons likely to be affected thereby, and notice is hereby given that the draft will be taken into consideration on or after the 1st January, 1965.

2. Any objection or suggestion which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government:

DRAFT RULES

1. These rules may be called the Indian Aircraft (Amendment) Rules, 1965.

2. In the Indian Aircraft Rules, 1937, (hereinafter referred to as the said Rules) after Rule 140-C the following rule shall be inserted, namely:

"140-D. Establishment of limits of flight times, flight duty periods and rest periods for flight crew members.

(1) It shall be the duty of an operator to ensure that, as respects each person flying as a member of the flight crew of an aircraft, the periods during which that person is required or permitted by the operator to carry out any work or other duties and the periods of rest shall conform to the requirements specified in Schedule XI to these rules.

Provided that the Director General may permit the utilisation of a Flight Crew member in excess of or below the limits mentioned in paragraphs 6 and 17 of Schedule XI to these rules by not more than 10 per cent. having regard to all or any of the following factors:—

- (a) accommodation available at designated stopping places;
- (b) route to be flown and number of landings;
- (c) time of day of the flight;
- (d) flight rules applicable;
- (e) other periods of duty following or adjacent to the period concerned;
- (f) sleep cycle;
- (g) aeroplane details such as,
 - (i) number and categories of operating crew;
 - (ii) whether fitted with automatic pilot;
 - (iii) pressurised or unpressurised;

(h) return to base station; and

(i) any other factor having a bearing on the safety of the operations concerned:

Provided further that in any case not covered by the foregoing proviso, where the Director General is satisfied that a special situation has arisen which renders it necessary for him so to do he may, for reasons to be recorded and subject to such conditions and restrictions as he may specify, by order in writing, exempt any operator or any member of the flight crew from the provisions of this rule and Schedule XI to these rules.

3. After Schedule X to the said rules, the following Schedule shall be inserted, namely:

"SCHEDULE XI.—Establishment of limits on flight times, flight duty periods and rest periods for flight crew members.

(See Rule 140-D)

PART I—Preliminary

(1) In this Schedule, unless the context otherwise requires,—

(a) "duty period" means any continuous period throughout which a flight crew member is required to be on duty and includes—

(i) flight time;

(ii) any period during which he makes himself available, on being required to do so by the operator at an aerodrome or as the case may be, at a place where persons similarly employed are required to be so available if adequate facilities for rest are not available at that place, for the use of the member during any part of the period he is required to be available there.

(b) "reserve time" means the period during which a flight crew member is required at that time to be available at any place other than an aerodrome or a place referred to in sub-clause (ii) of clause (a), to report for duty if required to do so,

(c) "rest period" means a period during which a flight crew member is relieved of all duties associated with his employment.

(2) Reserve time at the base station of the flight crew members shall not exceed one continuous period of sixteen hours.

(3) Where a flight crew member, during reserve time at the base station is called to commence duty, the total lapsed time from the commencement of reserve time at the base station to the end of that duty period shall not exceed twenty-three hours.

(4) When a flight crew member is at his base station, time involved in transporting that flight crew member either from his residence to his place of work before the commencement of a duty period or from his place of work to his residence at the end of a duty period shall not be considered as part of any duty period or of any rest period.

(5) When a flight crew member is away from his base station, time involved in transporting that flight crew member, either to a place where rest facilities are provided at the end of a duty period or from the place of rest at the beginning of the next duty period shall not be considered part of any duty period or rest period.

PART II

Special Provisions as to domestic operations and operations to neighbouring countries (Afghanistan, Burma, Ceylon, Nepal and Pakistan).

(6) Subject to the provisions of this Schedule an operator may roster a flight crew member for duty period and flight time as follows:—

Type of aircraft operation	Number of Pilots	Duty Period					Flight Time	
		Daily (24 consecutive hours)	Daily (24 consecutive hours)	Weekly (7 consecutive days)	Monthly (30 consecutive days)	Yearly (12 consecutive months)		
(1)	(2)	(3)	(4)	(5)	(6)	(7)		
Piston and Turbine air craft	2	12	9	36	90	900		
Jet aircraft	2	10	7	28	70	700		

Explanation.—Duty period shall normally commence thirty minutes before the scheduled time of departure of the flight between two points in India and forty-five minutes in the case of flights between two points at least one of which is outside India. Provided that if there is any delay in the departure of the flight and information to that effect is communicated to the member of the crew before he is expected to leave for the aerodrome, the duty period shall commence thirty minutes or forty-five minutes, as the case may be, before the expected time of departure of the flight. Duty period shall normally terminate thirty minutes after the actual arrival of the flight in the case of flights between two points in India and forty-five minutes in the case of flights between two points, at least one of which is outside India.

(7) The limits specified in the Table set out in paragraph 6 shall not apply in respect of a flight, if—

- (a) an unforeseen delay occurs in the completion of the flight and
- (b) the delay does not exceed five hours.

(8) A duty period or period of reserve time at the base station shall be preceded by a rest period on the ground of at least—

- (a) ten consecutive hours embracing the hours between 10 P.M. and 6 A.M. local time or
- (b) eleven consecutive hours.

(9) Where variations have been made in accordance with the first proviso to rule 140-D, the rest period on the ground prescribed in paragraph 8 of this Schedule shall be increased or decreased as the case may be by one hour for each thirty minutes or parts thereof by which the period exceeds or falls below the limits specified in paragraph (8) of this Schedule.

(10) Where a duty period already commenced in accordance with the limits specified in the table in paragraph (6) of this Schedule or as may be approved by the Director General under the first proviso to rule 140-D exceeds those limits under the conditions mentioned in paragraph (7) by more than one hour, a flight crew member shall have at the completion of the duty period, a rest period of not less than twenty-four consecutive hours.

(11) A flight crew member may fly and the operator may permit him to fly in more than one duty period in any twenty-four consecutive hours provided he has a rest period between the first and second duty periods as prescribed in paragraphs (8) and (9)

(12) When a flight crew member has flown in conformity with paragraph (11) above and where the aggregate flight time or duty period exceeds the limits specified in the table in paragraph (6) of this Schedule or as may be approved by the

Director General under the first proviso to rule 140-D by more than one hour, his rest period on the ground shall include at least twelve hours embracing the hours between 10 p.m. and 6 a.m. local time or twenty-four consecutive hours.

(13) A flight crew member shall not commence a flight and the operator shall not roster him for a flight unless during the seven-day period terminating coincident with the termination of the flight he has been relieved from all duty associated with his employment for at least one continuous period of 24 hours embracing the hours between 10 p.m. and 6 a.m.

(14) Notwithstanding anything contained in the foregoing provisions of this Schedule, no flight crew member shall be rostered for duty on two consecutive nights in connection with flights which commence after 2100 hours local time and terminate after 0000 hours local time.

(15) Notwithstanding anything contained in the foregoing provisions of this Schedule, no flight crew member shall be rostered for duty in connection with a flight which commences any time between 2100 hours local time and 0600 hours local time, if in his preceding duty period the flight terminated after 2200 hours local time.

(16) In addition to the personal log book prescribed in rule 67 A which shall be open to inspection by the Director General or by an officer authorised by him in this behalf, the operator shall maintain in a form that shall be prescribed by the Director General an up-to-date record showing the flight time and duty period logged by each member of the flight crew.

PART III

Special Provisions as to International operations other than operations to Afghanistan, Burma, Ceylon, Nepal and Pakistan

(17) Subject to the provisions of this Schedule an operator may roster a flight crew member for duty period and flight time as follows:—

Type of aircraft operation	Number of pilots	Duty Period	Flight Time		
		Daily (24 consecutive hrs.)	Daily (24 consecutive hrs.)	Monthly (30 consecutive days)	Yearly (12 consecutive months)
Piston and Turbine aircraft	2	16	12	100	7
Jet aircraft	2	13	9	80	5
Piston and Turbine aircraft	3	20	16	100	1000
Jet aircraft	3	18	14	80	800

Explanation.—Duty period shall commence forty-five minutes before the scheduled time of departure of the flight. Provided that if there is any delay in the departure of the flight and information to that effect is communicated to the pilot before he is expected to leave for the aerodrome his duty period shall commence forty-five minutes before the expected time of departure of the flight. Duty period shall normally terminate forty-five minutes after the actual arrival of the flight.

(18) The limits specified in the Table set out in paragraph (17) may be exceeded on account of any unforeseen circumstances provided the total duty period does not exceed 18 hours in the case of flight crew which includes not more than two pilots and 22 hours in the case of flight crew which includes not more than three pilots.

(19) A duty period or period of reserve time shall be preceded by a rest period on the ground calculated with reference to the duration of the immediately preceding duty period as specified in the Table below:

Length of rest period	Duration of immediately preceding duty period		
10 hours	.	.	Not exceeding 10 hours.
11 hours	.	.	Exceeding 10 but not exceeding 11 hrs.
12 hours	.	.	" 11 " 12 "
13 hours	.	.	" 12 " 13 "
14 hours	.	.	" 13 " 14 "
15 hours	.	.	" 14 " 15 "
16 hours	.	.	" 15 " 16 "
18 hours	.	.	" 16 " 17 "
20 hours	.	.	" 17 " 18 "
22 hours	.	.	" 18 " 19 "
24 hours	.	.	" 19 " 20 "
26 hours	.	.	" 20 " 21 "
28 hours	.	.	" 21 " 22 "

(20) A flight crew member shall have a rest period at his base station of not less than twenty-four consecutive hours at least once in seven consecutive days in addition to any rest period prescribed at the end of his last duty period. Except when absence on duty from the base station is longer than six consecutive days he shall have a rest period on his return to the base station, in addition to any rest period prescribed at the end of his last duty period, of twenty-four consecutive hours for each seven days or parts of seven days he was away from his base station.

PART IV

(21) (a) *General exception.*—Notwithstanding anything contained in this Schedule the provisions thereof shall not be deemed to have been contravened by reason of a flight made at any time if it appears to the commander that—

- (i) the flight is one which ought to be carried out in the interests of the safety or health of any person or on account of any exceptional circumstances, and
- (ii) the safety of the aircraft will not be endangered if he or other persons make that flight.

(b) Where any flight has been made under the last foregoing sub-paragraph a report in writing shall be furnished to the Director General by the commander of the aircraft giving full particulars of the circumstances in which it was made.

[No. 10-A/114-64/AR/AM.]

S. N. KAUL, Under Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th November, 1964.

G.S.R. 1735.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952, (35 of 1952), and in continuation of the notifications of the Ministry of Labour and Employment No. GSR 20 dated the 26th December, 1963, and No. GSR 1631, dated the 9th November, 1964, the Central Government hereby appoints the following officers of the Coal Mines Labour Welfare Organisation, to be Inspectors of Mines subordinate to the Chief Inspector, namely:—

1. Miss. S. K. Manik, Welfare Inspector.
2. Shri M. A. Faiz, Assistant Inspector Labour Welfare.
3. Shri R. P. Singh, Junior Assistant Inspector Labour Welfare.
4. Shri M. R. Gaekward, Assistant Welfare Organiser.

[No. 35/11/64/M-II.]

R. C. SAKSENA, Under Secy.

